<u>Remarks</u>

Claims 1, 2, 4 to 8, 10, 11, 13, 14, 16 and 17 remain in this application.

Reconsideration of the Final Rejection of the claims is requested in light of the amendment of the claims, the helpful remarks of the Examiner and the attached Affidavit of Aaron E. Rosenberg ("Rosenberg" herein).

Claims 10 and 13 have been canceled without prejudice to reduce the issues for Appeal.

Claim 15 has been canceled as a duplicate of claim 17.

Claim 1

The Examiner stated that Claim 1 never explicitly recites that the spoken response to the challenge phrase is the challenge phrase itself repeated back by the user. However claim 1 does require " a controller ... communicating with said first data base for randomly generating a one-time challenge phrase from said plurality of words and language rules in said first data base and delivering said one-time challenge phrase to said station <u>for the user to speak</u> ...". (See Rosenberg, ¶ 6)

In response to the Examiner's concerns, claim 1 has been amended to emphasize that the controller is "to process said second signal for speech recognition and to issue a second validation signal in response to said second signal <u>exactly matching</u> said one-time challenge phrase".

<u>Kanevsky</u> (column 6, lines 25-29) provides a server 22 to generate a random question for a user to answer (col. 6, lines 25-29). A semantic analyzer 40 determines if the answer is correct in accordance with the user's database

(col. 6, lines 37-39).

Kanevsky does not describe or teach the generation of a challenge phrase for the user to speak but instead generates a question to be answered i.e. not a question to be spoken. (Rosenberg, ¶¶ 5, 6 and 10)

Further, Kanevsky determines if the answer is correct *in accordance with the user's database* and not in accordance with the question.

As held in *Net MoneyIN Inc. v. VeriSign Inc.*, 88 USPQ2d 1751 (CAFC 2008)

> "To anticipate a claim, a single prior art reference must expressly or inherently disclose each claim limitation.... But disclosure of each element is not quite enough—this court has long held that '[a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention *arranged as in the claim.*"
>
> *Id.* at 1334 (quoting *Connell,* 722 F.2d at 1548). In all of these cases, the prior art reference had to show the claimed invention arranged or combined in the same way as recited in the claim in order to anticipate. We thus hold that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102."

In view of the above, a rejection of claim 1 as being anticipated by Kanevsky is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 2

Method claim 2, as amended, requires the step of "thereafter generating and delivering a randomly generated one-time challenge phrase at said station for the user to speak **exactly** in response to validation of said first signal'. As noted above, Kanevsky does not require a user to speak the random question.

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Accordingly, a rejection of claim 2 as being anticipated by <u>Kanevsky</u> is not warranted pursuant to the provisions of 35 U.S.C. 102,

Claims 7 and 8

Claims 7 and 8 depend from claim 2 and are believed to be allowable for similar reasons.

Claim 4

Claim 4 requires " a controller ... being operatively connected to said first data base to generate and deliver a one-time randomly generated challenge phrase to said station in response to said first signal for the user to speak <u>exactly</u>, said controller communicating with said station to receive and compare a spoken response to said challenge phrase with said challenge phrase to verify said spoken response as <u>exactly</u> matching said challenge phrase ... said controller issuing an authentication signal in response to a verification of said spoken response as <u>exactly</u> matching said challenge phrase ...".

As noted above with respect to claim 1, <u>Kanevsky</u> does not generate a challenge phrase for the user to speak but instead generates a question to be answered i.e. not a question to be spoken. Further, <u>Kanevsky</u> determines if the answer is correct in accordance with the user's database and not in accordance with the question, i.e. <u>Kanevsky</u> does not exactly match the answer to the question. In view of the above, a rejection of claim 4 as being anticipated by <u>Kanevsky</u> is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claim 5

Method claim 5 requires the step of "randomly generating a one-time

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challenge phrase from said stored plurality of words and language rules and forwarding said one-time challenge phrase to said station in response to said first signal for the user to speak exactly". As noted above, Kanevsky does not require a user to speak the random question. Accordingly, a rejection of claim 5 as being anticipated by Kanevsky is not warranted pursuant to the provisions of 35 U.S.C. 102.

Claims 6, 11 and 14

Claims 6, 11 and 14 depend from claim 5 and are believed to be allowable for similar reasons.

Claim 16

Claim 16 stands rejected as being unpatentable over Kanevsky in view of Kashani. Relying on paragraphs [0118] and [0119] of Kashani, the Examiner alleges that it would be obvious to modify Kanevsky by requiring the spoken answer to be exactly the same as the random question.

However, the proposed modification of Kanevsky would be contrary to the teachings of Kanevsky that requires a semantic analyzer 40 to determine if the answer is correct in accordance with the user's database (col. 6, lines 37-39). (Rosenberg, ¶¶ 9, 10, 12).

Furthermore, requiring the spoken answer to be exactly the same as the random question, would not allow the semantic analyzer 40 of Kanevsky to determine if the answer is correct in accordance with the user's database. (Rosenberg, ¶12).

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Note that Paragraph [0119] of <u>Kashani</u> states that if a user 600 had only a single spoken password, then this could be recorded and played back during a security attack. Therefore, one of ordinary skill in the art would not be motivated to modify <u>Kanevsky</u> by requiring the spoken answer to be exactly the same as the random question. (Rosenberg, ¶ 13).

Claim 16 requires a controller (1) "to process said spoken response for biometric speaker recognition and to produce a first validation signal as representative of an authorized user in response to a match between said spoken response and said stored biometric model for an authorized user" and (2) to simultaneously process said spoken response for speech recognition and to produce a second validation signal in response to said spoken response <u>exactly matching</u> said one-time challenge phrase".

Neither <u>Kanevsky</u> nor <u>Kashani</u>, taken alone or in combination, teaches a dual processing of a signal for (1) a match with a stored biometric model for an authorized user and (2) a match of a spoken response exactly matching a one-time challenge phrase as required by claim 16. Accordingly, a rejection of claim 16 as being unpatentable over <u>Kanevsky</u> in view of <u>Kashani</u> is not warranted pursuant to the provisions of 35 USC 103.
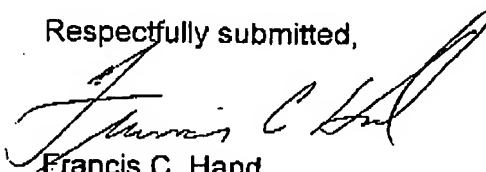
Claim 17

Claim 17 contains recitations similar to claim 16 and is believed to be allowable for similar reasons.

The amendment of the claims is not intended to introduce new issues that would require further consideration search other than to respond to the

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Examiner's stated concerns with respect to the meaning of the terms in the claims. Should the Examiner have any concerns with respect to the language of the claims, it is respectfully requested that the Examiner telephone the undersigned to resolve such.

The application is believed to be in obvious condition for allowance and such is respectfully requested.

Respectfully submitted,

Francis C. Hand
Reg. No. 22,280
CARELLA, BYRNE BAIN, GILFILLAN,
  CECCHI, STEWART & OLSTEIN
5 Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744

#364749

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